

REMARKS/ARGUMENTS

Applicants have now fully considered the Office Action mailed on September 20, 2005. In view of the amendments, remarks, and arguments, Applicants request that the rejections be withdrawn and that a Notice of Allowance be issued.

A. The Office Action/Status of the Application

In the Office Action, the Examiner rejected claims 1-4, 6, 7, 9-13, and 16-22. The Examiner withdrew claims 5, 8, 14, and 15 from consideration as being drawn to a nonelected species in response to Applicants reply to a prior restriction/election requirement. Claim 23 is allowed. Claim 1 was objected to for certain informalities. Claims 1-4, 6-7, 9-13, and 16-22 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1-3, 9, 11, and 13 were rejected under 35 U.S.C. § 1.03(a). Claims 4, 6-7, 10, 12, and 16-17 were indicated as being allowable if rewritten to overcome certain rejections under 35 U.S.C. § 112, second paragraph, and include all the limitations of the base claim and any intervening claims. Claims 18-22 were indicated as being allowable if rewritten to overcome certain rejections under 35 U.S.C. § 112, second paragraph.

The listing of claims reflects that the Examiner has withdrawn claims 5, 8, 14, and 15 from consideration as being drawn to a non-elected species.

The non-withdrawn claims pending are claims 1-4, 6-7, 9-13, and 16-23.

B. Amendment to the Specification

Paragraph 41 is amended herein. Specifically, line 3 of paragraph 41 is amended to change numeral "52" to "56" to refer to the vertical row of apertures near the rear edge of a panel. This change is consistent with the drawings and other portions of the specification discussing such features.

C. The Objections to the Claims has been Remedied

Claim 1 is amended herein on line 2 to change the phrase "a vehicle" to "the vehicle" as suggested by the Examiner of item 5 of the Office Action. Applicants submit this amendment remedies the Examiner's concerns as it applies to item 5.

D. The Rejections Based on 35 U.S.C. § 112, Second Paragraph have been Overcome

The Examiner rejected claims 1-4, 6-7, 9-13, and 16-22 under 35 U.S.C. § 112, second paragraph, as being indefinite. These rejections are based on alleged insufficient antecedent basis for certain claim limitations in independent claims 1, 11, 20, and 21. The Examiner has not specifically addressed any particular language in the remaining claims. Therefore, Applicants presume that the rejection of claims 2-4, 6-7, 9-10, 12-13, 16-19, and 21-22 is based on their dependency from one of claims 1, 11, 20, and 21.

The Examiner contends that there is insufficient antecedent basis for the limitation “the apertures” in line 11 of claim 1, and for the limitation “aperatures” in lines 8 and 11 of claim 11. Claim 11 is amended at line 8 such that the word “the” precedes the term “apertures.” Applicants traverse this rejection.

Applicants submit that there is sufficient antecedent basis for the phrases or limitations “the apertures” in line 11 of claim 1 and in line 8 of claim 11. Claims 1 and 11 each recite a pair of opposing end panels that have an outer surface, an inner surface, a rear edge, a front edge, a vertical row of apertures near or adjacent the rear edge, and a vertical row of apertures near or adjacent front edge of the end panels. In the limitation that the Examiner objects to, the claims recite that a shelf support is releasably connected to the inner surface of the end panels “through the apertures of (or “in”) the end panels.” Thus, viewing the limitations in their full context, Applicants submit that the phrase “the apertures of (or in) the end panels” sufficiently refers to the apertures in the vertical row of apertures adjacent the rear or front edges of the end panels as described with respect to the pair of end panels.

To expedite prosecution, however, claims 1 and 11 are amended herein at lines 11 and 8, respectively, to identify the apertures as “the apertures in the vertical rows of apertures near (or adjacent) each of the front and rear edges of the end panels.” Applicants submit that this amendment remedies the Examiner’s concerns regarding these specific limitations in claims 1 and 11.

With respect to the Examiner’s objection to the term “aperture” in line 11 of claim 11, Applicants submit that this limitation does not lack antecedent basis. Again, looking at the context of the limitation, claim 11 recites at lines 10 and 11 that

the storage unit is connected to the vehicle through “at least one aperture in one of said end panels.” This is the first instance in the claim where the manner of connection to the vehicle is recited. As stated, a connection occurs through “at least one aperture” in one of the end panels. That is, the storage unit may be connected to the vehicle through any aperture in one of the end panels. This includes an aperture in one of the vertical rows of apertures adjacent the front or rear edges of the end panels or through another aperture that is not part of the vertical row of apertures near or adjacent the front and rear edges of the end panels. Applicants submit that the claim language reflects this and does not render claim 11 indefinite.

The Examiner objected to claim 20 for lacking antecedent basis for the limitation “at least one shelf” in line 19 of that claim. Claim 20 is amended herein to add the word “said” in line 19 immediately before the phrase “at least one shelf.” Thus Applicants submit the phrase “said at least one shelf” refers to the at least one shelf recited in the previous limitation at line 16 and remedies the Examiner’s concerns regarding claim 20.

The Examiner also contends that there is insufficient antecedent basis for several limitations in claim 21. The Examiner, however, also noted that it was not clear whether the Applicants intended the claim to actually depend from claim 21 or to be dependent upon claim 20 as originally filed. Claim 22 is amended herein to reflect that it is dependent from claim 21 and not claim 20. Applicants submit that this change in dependency remedies the Examiner’s concern and that claim 21 provides sufficient antecedent basis for the limitations recited in claim 22.

In view of the above discussion, Applicants submit that the Examiner’s concerns regarding antecedent basis support for certain limitations in claims 1, 11, 20, and 21 have been remedied. Applicants respectfully request that the rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

E. The Claims are not Obvious in view of the Cited References

The Examiner rejected claims 1-3, 9, 11, and 13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,681,381 to Sevey in view of U.S. Patent No. 5,988,476 to Olerio and U.S. Patent No. 2,978,153 to Brindle. Applicants

traverse this rejection.

The Examiner relies on the Sevey patent for teaching the claimed invention except for teaching a shelf or end panels formed from a polymer material and also for failing to teach connecting the system to the vehicle wall. The Examiner does not rely on Olerio or Brindle for any other teaching except a polymer rack system with a polymer shelf (Olerio) and for teaching a desirability of attaching a storage unit to a vehicle (Brindle). The combined references, however, do not teach each and every limitation of the claims.

The primary reference, Sevey, fails to disclose several features of the present claims. First, Sevey is directed to a removable drawer slide and innerlock with a drawer for a cabinet. Sevey fails to teach or suggest a storage system with removable shelf supports releasably connected to the end panels and a shelf disposed between the end panels.

Second, Sevey fails to teach a unit having a pair of opposing end panels having an inner surface, and an outer surface, a front edge, a rear edge, a vertical row of apertures near the front edge, and a vertical row of apertures near the rear edge, and a shelf support releasably connected to the end panels through the apertures of the end panels. Specifically, Sevey fails to teach or suggest any apertures in the end panels themselves. Rather, to mount the drawer slides, Sevey requires separate slide receiver supports attached to and offset from the inner surface of the panels toward the interior of the cabinet. It is these slide receiver supports that define a surface separate and apart from the surface of the end panels and include holes to mount the drawer slides. That is, no apertures extend through the end panels of the Sevey cabinet. Independent claims 1 and 11 state that the end panels themselves include the apertures, i.e., the apertures extend through the end panels. Therefore, Sevey fails to teach or suggest every limitation in the present claims. The Olerio and Brindle references do not make up for Sevey's deficient teachings. Further, there are no teachings in the references to provide end panels with apertures in the panel's surface and releasably connect shelf supports to the panels through such apertures. Consequently, the combination of Sevey, Olerio, and Brindle fail to teach all the limitations of the present claims and cannot render the claims obvious.

While Applicants submit that the claims as written convey that the panel surfaces themselves have the apertures, claims 1 and 11 are clarified herein to state that the panel surfaces define vertical rows of apertures. Applicants submit that, at the least, paragraph 41 and the drawings support this amendment. Paragraph 41 describes that the apertures are in the panels and the drawings such as drawings 1-6, 8, 9, 9A, and 11-13 demonstrate that the apertures extend through the inner and outer surface of the panels.

Applicants submit that independent claims 1 and 11, and any claims dependent therefrom, are not obvious in view of the combination of Sevey, Olerio, and Brindle. Applicants request that the rejection of claims 1-3, 9, 11, and 13 under 35 U.S.C. § 103(a) be withdrawn.

F. Claims 18-22 are Allowable.

In discussing the allowable subject matter, the Examiner stated in item 13 that claims 18-22 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph, as set forth in this Office Action.

Applicants note that claim 18 is already in independent form, and claim 19 is dependent therefrom. Applicants could not locate any specific reference to claims 18 or 19 in the rejections based on § 112, second paragraph. Applicants cannot determine what, if any, specific objections the Examiner might have had with respect to these claims. Applicants submit that these claims are not indefinite and comply with 35 U.S.C. § 112, second paragraph.

As previously discussed, independent claim 20 is amended in a manner that Applicants believe remedies the Examiner's concern regarding that claim. Therefore, Applicants submit that these claims are allowable.

G. Applicants Request that Claims 5, 8, and 14-15 be Reinstated

As previously discussed, the Examiner withdrew claims 5, 8, and 14-15 as being drawn to a non-elected species and there being no allowable generic or linking claim. In the restriction requirement, the Examiner stated that claims 1-22, which include independent claims 1 and 11, appeared generic. In view of the

amendments and arguments presented herein, Applicants submit that claims 1 and 11 are allowable. Applicants further submit that these claims are still generic even after any amendments made herein. Since these claims are generic and allowable, Applicants submit that claims 5, 8, and 14-15 which are dependent from one of claims 1 or 11, should be reinstated and considered with the rest of the claims. Since these claims are all dependent from allowable base claims, Applicants submit that claims 5, 8, and 14-15 are also allowable.

CONCLUSION

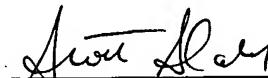
In view of the foregoing amendments and discussion, Applicants submit that the pending claims (claims 1-23) are in condition for allowance. Applicants respectfully request that the Examiner issue a Notice of Allowance.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

12/20/2005

Date



Thomas E. Young, Reg. No. 28,924
Scott M. Slaby, Reg. No. 53,603
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

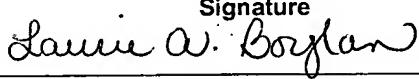
CERTIFICATE OF MAILING OR TRANSMISSION

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.

deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Express Mail Label No.:	Signature
	
Date	Printed Name
December 20, 2005	Laurie A. Boylan

N:VABCT200003\USLAB0003943V001.doc